

*Mohaban* does not qualify as prior art and should be removed as a reference. The present application was filed on February 12, 2002. *Mohaban* is a continuation of application 09/376,802 (“parent of *Mohaban*”), which was filed on August 18, 1999 and issued as U.S. Patent No. 6,463,470 on October, 8, 2002. *Mohaban* issued on April 6, 2004. While the effective filing date of *Mohaban* appears to be August 18, 1999, *Mohaban* qualifies as a reference only under 35 U.S.C. §102(e), because *Mohaban* was not patented or published before Applicants’ filing date or more than a year before Applicants’ filing date and therefore *Mohaban* is not citable under 35 U.S.C. §§102(a)-(b). Accordingly, *Mohaban* is disqualified under 35 U.S.C §103(c)(1), which states:

“Subject matter developed by another person, which **qualifies as prior art only under one or more of subsections (e), (f), and (g)** of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Both *Mohaban* and the parent of *Mohaban* were assigned at the date of application to Cisco Technology, Inc. Applicants’ assignee also is Cisco Technology, Inc. At the time the claimed invention was made, and at least as early as February 12, 2002, the subject matter of *Mohaban* and the claimed invention were subject to an obligation of assignment to the same person, namely Cisco Technology, Inc. Based on the foregoing, *Mohaban* does not qualify as prior art under any section of 35 U.S.C. § 102. Removal of the rejections that use *Mohaban* as a reference is respectfully requested.

*Zavalkovsky* also does not qualify as prior art based on 35 U.S.C. §103(c). *Zavalkovsky* qualifies as prior art only under 35 U.S.C. § 102(e) because it issued on October 25, 2005, after the present application was filed, and therefore *Zavalkovsky* is not citable under 35 U.S.C.

§§102(a-b). *Zavalkovsky* was assigned at the date of application to Cisco Technology, Inc. Applicants' assignee also is Cisco Technology, Inc. At the time the claimed invention was made, the subject matter of *Zavalkovsky* and the claimed invention were subject to an obligation of assignment to the same person, namely Cisco Technology, Inc.

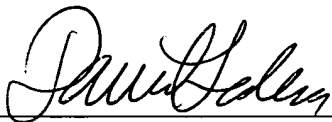
Based on the foregoing, *Zavalkovsky* does not qualify as prior art under 35 U.S.C. § 103(c). Removal of the rejections that use *Zavalkovsky* as a reference is therefore respectfully requested.

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a law firm check for the petition for extension of time fee is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,  
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